

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c) Jeffrey E. Jenkins, Esquire Jenkins & Clayman 412 White Horse Pike Audubon, NJ 08106 (856) 546-9696 Attorney for Debtor	
In Re: Richard and Tanisha Green-Smith Debtors	Case No.: 13-34489 Judge: JNP Chapter: 13

CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION TO

- ☒ **CREDITOR'S MOTION or CERTIFICATION OF DEFAULT**
☐ **TRUSTEE'S MOTION or CERTIFICATION OF DEFAULT**

The debtor in the above-captioned Chapter 13 proceeding hereby objects to the following (choose one):

1. ☐ Motion for Relief from the Automatic Stay filed by _____, creditor.

A hearing has been scheduled for _____

OR

- ☐ Motion to Dismiss filed by the Standing Chapter 13 Trustee, _ ____
A hearing has been scheduled for _____.

- ☒ Certification of Default filed by US Bank National Association,

creditor

I am requesting a hearing be scheduled in this matter.

OR

- ☐ Certification of Default filed by Standing Chapter 13 Trustee.

I am requesting a hearing be scheduled in this matter.

2. I am objecting to the above for the following reasons (**choose one**):

☐ Payments have been made in the amount of \$_____, but have not been accounted for. Documentation in support of attached hereto.

☒ Payments have not been made for the following reasons and debtor proposes repayment as follows **explain your answer**): In our Chapter 13 case, our mortgage company has filed a certification of default indicating that we are behind with our post-petition mortgage payments. There are internal inconsistencies on the page where they delineate what we are allegedly behind. Specifically, in March and April 2016 we paid the mortgage company more than \$9,000.00 of which sum they used to pay the March 2016 through July 2016 monthly payment plus the additional payments that were required for that same period of time. Yet, at the top of the payment history, they say that payments have not been made from 4/2016 through 3/2017. That is incorrect according to their own payment history. We would agree that no payments have been made from 8/2016 through 5/2017. They also indicate above the payment history that five additional payments from 3/2016 through 7/2016 have not been made yet their payment history shows that the large sum that we paid in March and April 2016 covered all of those payments. We would agree that we owe an additional payment for 8/2016. The arrears, then, should be about \$8,860.00 not the \$15,000.00 indicated on the certification of default. We have been in the process of applying for a loan modification with the mortgage company and have supplied them with all documents they requested. We are hopeful that we will be able to get a loan modification very shortly. Accordingly, we ask that this certification of default be denied or the hearing adjourned until there is a final determination from the mortgage company regarding our loan modification.

☐ Other (**explain your answer**): _____

3. This Certification is being made in an effort to resolve the issues raised by the creditor in this motion.

4. I certify under penalty of perjury that the foregoing is true and correct.

Date: 5/12/17

/s/ Tanisha Green-Smith
Tanisha Green-Smith, debtor

NOTE:

1. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor at least seven (7) days before the return date pursuant to D.N.J. LBR 9013-1(d), if filed in opposition to a *Motion for Relief from the Automatic Stay or Trustee's Motion to Dismiss*.
2. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor within ten (10) days of the filing of a *Creditor's Certification of Default* (under an *Order Resolving Motion to Vacate Stay and/or Dismiss with Conditions*) or a *Trustee's Certification of Default*.

If this form is not filed the Motion or Certification of Default will be deemed uncontested and no hearing will be scheduled.